

### **REMARKS**

Applicants request favorable reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1, 3-8, 10-15, 17-26 and 30-33 are now pending in the present application. Claims 1, 8, 15, 19, 21, 23, 25, 30 and 32 are the independent claims.

Claims 1, 3-8, 10-15, and 17-33 stand rejected under 35 USC §103(a) as being obvious over U.S. Patent No. 5,285,306 (Heidemann), or U.S. Patent No. 5,546,213 (Suyama), or U.S. Patent No. 6,452,721 (Deguchi et al.), when taken with (OFC '99) or (Walker) and with (OECC) or U.S. Patent No. 6,344,922 (Grubb et al.). These rejections are respectfully traversed.

### **SUMMARY**

As explained in the Amendment After Final rejection filed November 12, 2003, each of independent claims recite the selective superimposition of a supervisory signal. However, none of the asserted citations teach or suggest this feature. The absence of a teaching or suggestion of selective imposition of a supervisory signal also means that the asserted citations fail to teach other features such as, for example, selectively superimposing a supervisory signal based on a loss wavelength characteristic of the optical transmission path (e.g., claim 21).

### **ANALYSIS**

The Manual of Patent Examination Procedure (MPEP) instructs that a prima facie case of obviousness requires consideration of the claimed invention "as a whole." (MPEP § 2142) (emphasis added). Thus, the MPEP goes on to expressly instruct that asserted citation(s) must teach or suggest all the claim limitations. (MPEP § 2142)(emphasis added).

Respectfully, Applicants have carefully reviewed the asserted citations and do not find any teaching or suggestion of the selective superimposition of any signal. Further, the asserted citations do not teach or suggest, for example, selective superimposition based on a loss wavelength characteristic (e.g., claim 21).

Applicants also respectfully note that the Office has repeatedly declined to identify, either generically or specifically, any teaching or suggestion of the selective imposition of a supervisory signal in the asserted citations. Indeed, Applicants respectfully note that the Office

Action does not even contain the word “selective.” Still further, Applicants respectfully note that the Office Action does not address the aforementioned features of exemplary claims 21 and 27. Rather, the Office Action again merely concludes that the asserted citations “show it to be ubiquitous in the prior art to place supervisory signal on the pump radiation for optical amplification fibers as they do not require a separate light band for the supervisory signal.” (Office Action, page 3).

The absence of any assertion that the asserted citations teach or suggest selective superimposition in the asserted citations renders the rejection of the claims under 35 U.S.C. § 103. Further, the absence of an any assertion that the asserted citations teach or suggest selective superimposition based on a loss wavelength characteristic (e.g., claim 21) or superimposing supervisory information onto the pump light so that, as the pump light travels through the transmission line, the supervisory information becomes superimposed on a respective optical signal of the WDM signal light (e.g., claim 27) renders the § 103 rejection of independent claims 21, 23, 25, 27, 29, 30, and 31 deficient for this additional reason.

Accordingly, it is respectfully submitted that for at least these reasons, the Office Action fails to make a prima facie case of obviousness and thus, rejection of claims 1, 3-8, 10-15, and 17-33 is traversed.

Accordingly, favorable reconsideration and withdrawal of the rejection of claims 1, 3-8, 10-15, and 17-33 under 35 U.S.C. § 103 are respectfully requested.

In view of the foregoing, Applicants respectfully submit that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

#### **REQUEST FOR CLARIFICATION**

In the event that the Office maintains the rejection of the claims under 35 U.S.C. § 103 over the asserted citations, Applicants respectfully request, in the interest of compact prosecution, the Office’s assistance in identifying where, in any of the asserted citations, a teaching or suggestion of selective superimposition of a signal may be found.

**REQUEST FOR PERSONAL INTERVIEW**

In the event that the Office maintains the rejection of the claims under 35 U.S.C. § 103 over the asserted citations, Applicants respectfully request that the Examiner telephone Applicants' undersigned representative to arrange for a personal interview.

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: Michael E. Kondoudis  
Michael E. Kondoudis  
Registration No. 42,758

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501